

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:08CR8
vs.)	
)	AMENDED ORDER
DARIO RODRIGUEZ-CANCELA,)	PRELIMINARY OF FORFEITURE
)	
Defendant.)	

NOW ON THIS 18th day of July, 2008, this matter comes on before the Court upon the United States' Amended Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On June 4, 2008, this Court entered a Preliminary Order of Forfeiture (Filing No. 25), forfeiting the Defendant's interest in \$14,660.00 in United States currency, a HP Pavillion dv6000 laptop computer, serial number CNF7081D58, a Samsung ML-2510 Laser Printer, serial number CNE1JC9603352RBWW6P1K1982, three computer discs, one paper cutter and two digital cameras.

2. Since the entry of that Order, the United States and the Defendant agreed \$1,740.00 of the \$14,660.00 would be returned to the Defendant through his attorney of record, Stuart J. Dornan. The Fines, Penalties and Forfeitures Office for the United States Customs and Border Protection is in possession of the \$14,600.

3. The United States' Amended Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Amended Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. The Fines, Penalties and Forfeitures Office for the United States Customs and Border Protection will deliver \$1,740.00 by making payment to Stuart J. Dornan's Trust Account.

C. The Defendant's interest in \$12,860.00 in United States currency, a HP Pavillion dv6000 laptop computer, serial number CNF7081D58, a Samsung ML-2510 Laser Printer, serial number CNE1JC9603352RBWW6P1K1982, three computer discs, one paper cutter and two digital cameras, are hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C., § 1085(b)(5).

D. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.

E. Pursuant to 18 U.S.C., §1085(b)(5), the United States forthwith shall re-publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject properties are situated, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C., § 1085(b)(5), in which all interests will be addressed.

ORDERED this 18th day of July, 2008.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON, CHIEF JUDGE
United States District Court